THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION Nos.24068 of 1998

And 13514 of 2002

DATED:19.07.2006

Between:

W.P.No.24068 of 1998

G. Raja
and another

..Petitioners

And

The President, Golden Hills Education Society (Registration No.5 of 1986) Golden Hills English Medium Elementary High School, Ramagiri, Anantapur District. And others

..Respondents

W.P.No.13514 of 2002

G. A. Balaswamy
and others

..Petitioners

And

The Managing Director, Bharat Gold Mines Limited, Suvarna Bhavan, Oorgaum (Post) Kolar Golds Fields, Karnataka And others

..Respondents

THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION Nos.24068 of 1998
and 13514 of 2002

COMMON ORDER:

The petitioners in both these writ petitions are Teachers of Golden Hills English Medium Elementary/High School, Ramagiri, Anantapur District, established by the Bharat Gold Mines Limited (for short " the Company"). Two of them are common to the writ petitions.

The petitioners state that the Company is a Government of India undertaking, had a unit at Ramagiri, Anantapur District,
and for the benefit of the children of the employees, it had established a residential school, duly constituting society in the year 1986. It is stated that the school was established, initially, to impart education up to IV-standard and thereafter, was upgraded to IX-standard.

The petitioners state that the unit of the Company at Ramagiri become unviable, and that it was brought under the purview of BIFR. They contend that the school is provided with excellent infrastructure, and that lot of correspondence has taken place, between the Company and the Government of Andhra Pradesh, at various levels, for the purpose of taking over the school.

In W.P.No.24068 of 1998, the petitioners seek a *Writ of Mandamus,* to declare the action of the Company and the Society, in not regularizing their services, as illegal, arbitrary, and seek direction, for payment of the difference of salary. In W.P.No.13514 of 2002, they seek a *Writ of Mandamus* to declare the action of the respondents 3 and 4, the Authorities of the State Government, in not taking over the management of the school, as illegal and arbitrary, and they seek appropriate directions.

Smt. A.Chaya Devi, learned counsel for the petitioners submits that after the company became sick, several steps were taken, to ensure that the school is taken over by the State Government. According to her, schools of similar in nature, in the State of Karnataka, were taken over by the Government of that State. She contends that

there are no facilities to provide education in the locality, and the taking over of the institution, together with the staff, would advance the object of the Government also, in providing education. She submits that the petitioners were not extended the benefit of regularization of services, despite several representations.

Heard the learned counsel for the respondents.

So far as the relief claimed in W.P.No.24068 of 1998 is concerned, it is not in dispute that the company itself under BIFR, and any steps in relation to the conditions of service, must be dealt with, under the scheme. It is almost impermissible for issuance any directions, either in the matter of regularization or other similar aspects, *vis-à-vis* the petitioners. The reason is that BIFR is expected to formulate a comprehensive scheme, providing for various contingencies, ranging from the disposal of the assets of the company, to rehabilitation of the employees. Being employees of the Company or the Society, constituted by it, the petitioners are also to be brought under it. Therefore, no direction can be issued for regularization of their services, when the matter is pending before the BIFR.

The petitioners strongly plead that the school deserves to be taken over by the State Government. Reliance is placed upon Section 60 of the Andhra Pradesh Education Act, 1982 (for short “the Act”). It is true that Section 60 of the Act confers power upon the State Government, to take over the management of any institution. Much would depend upon the circumstances, warranting such taking over and the steps, which the Government initiates therefor. The insistence by the company has been, to take over the institution, together with the employees. The question

as to whether taking over of such an institution, would be in the interests of public, or whether the area is already provided with necessary education facilities, is a matter, to be considered by the authorities of the State Government. They cannot be compelled to take over the institution.

Be that as it may, when an offer is made for taking over of an institution with good facilities, the State Government is under obligation to give its response, so that other alternatives can be considered by the concerned.

For the foregoing reasons, W.P.No.24068 of 1998 is dismissed, leaving it open to the petitioners to work out their remedies in the proceedings before the BIFR.

Writ Petition No.13514 of 2002 is disposed of, directing that respondents 3 and 4 shall consider the proposals pending before them, for taking-over the Golden Hills English Medium Elementary/High School, and pass appropriate orders, within a period of four months from the date of receipt of a copy of this order.

There shall be no order as to costs.

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L. NARASIMHA REDDY, J

19th July 2006.

GJ